



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 18, 2022

BY EMAIL AND ECF

Jacob Carter
John Wallenstein, Esq.
Richard Willstatter, Esq.
Michael Burke, Esq.
Steven Brill and Elon Berk, Esq.

Re: *United States v. Jacob Carter et al.*, 21 Cr. 681 (NSR)

Dear Counsel, Stand-by Counsel and Mr. Carter:

We write to provide an update with respect to the discovery productions in the above-captioned matter and to request that you provide a hard drive of at least 200 gigabytes so that we can make a further discovery production.¹

As you are aware, the Government made its first discovery production available to you on or about January 28, 2022. Mr. Carter, we once again remind you that these materials are available for your review, and we once again request that you provide a hard drive of at least 500 gigabytes so that we can copy and send that production to you.² We have provided the first production to your stand-by counsel, Mr. Wallenstein. As the Court directed at our last pre-trial conference, please provide the requested hard drive at your earliest convenience so that we can send you the materials from our first production and the materials we are preparing for our second production.

As noted in our least pre-trial conference, the Government is in the process of preparing a second production of materials, which we expect will include the following:

- Identified sets from Apple iCloud returns and cellphones

¹ You are welcome to send back the 1 terabyte drive that you previously provided for the Government's first production. However, if you are going to send us the same drive in the mail, please make sure that the drive no longer contains the contents of the Government's first production. As we noted in connection with the Government's first production, the Government was unable to encrypt the drive due to the complexity of the data, and it contains sensitive personal identifying information and thus should not be sent through the mail.

² As a reminder, some of the materials from the Government's first production are marked "sensitive," and thus are not materials for which you will be able to keep a copy in your individual possession. However, you can review these materials at our Offices, at Mr. Wallenstein's office, or in the presence of any counsel or paralegal working with Mr. Wallenstein

- Pen and Ping GPS warrant for cellphones and the associated data
- Additional subpoena returns
- Additional SBA applicant files
- Additional materials, including emails received from the Office of Special Investigations.

The Government expects to be able to produce the above-described materials by the end of March, assuming you are able to provide the required hard drives in the next week. But we will of course let you know if anything changes with respect to that expected timing. We expect that we will have at least one other production of materials, which we expect to be able to produce by mid-April and believe that we will be able to produce these materials without a further hard drive.

As always, we will continue to keep you updated of any changes in our expected timeframe for productions, and please let us know if you have any questions or would like to discuss.

Sincerely,

DAMIAN WILLIAMS
United States Attorney

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